

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 22-MJ-567

ISRAEL RIVERA-REYES

Defendant

CRIMINAL COMPLAINT

I, Christa Thomas, Special Agent, Federal Bureau of Investigations, the complainant in this case, state that the following is true to the best of my knowledge and belief:

Between on or about December 15, 2021 and on or about December 19, 2021, in the Western District of New York, the defendant **ISRAEL RIVERA-REYES** knowingly violated Title 18 U.S.C. § 2251(a), an offense described as follows:

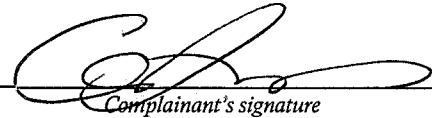
the defendant did knowingly employ, use, persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, which visual depictions were produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce,

all in violation of Title 18, United States Code, Section 2251(a).

This Criminal Complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF Christa Thomas, SA, FBI

☒ Continued on the attached sheet.



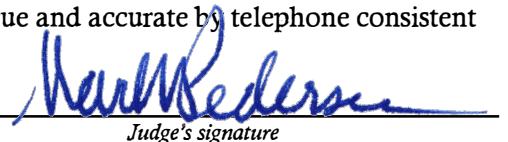
Complainant's signature

CHRISTA THOMAS, SA, FBI

Printed name and title

Application submitted by email/pdf and attested to me and before me as true and accurate by telephone consistent with Fed.R.Crim.P. 4.1 and 41(d)(3).

Date: April 13, 2022



Judge's signature

City and State: Rochester, New York

HON. MARK W. PEDERSEN, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

I, CHRISTA M. THOMAS, being duly sworn, depose and state:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), United States Department of Justice, Buffalo, New York. I am an investigative or law enforcement officer of the United States, empowered to perform investigations and make arrests related to violations of federal law. I have been employed as a Special Agent of the FBI since December of 2020 and I am currently assigned to the Rochester, New York (NY) Resident Agency. My duties involve investigating federal crimes including violations of Title 18, United States Code, Sections 2251 and 2252A.

2. This affidavit is submitted in support of a criminal complaint charging ISRAEL RIVERA-REYES with knowingly violating Title 18, United States Code, Section 2251(a) (Production of Child Pornography).

3. The information contained in this affidavit is based upon my personal knowledge, observation, training and experience, as well as conversations with other law enforcement officers and witnesses, and the review of documents and records created in connection with this case.

4. Because this affidavit is being submitted for the limited purpose of securing a

criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that RIVERA knowingly violated Title 18, United States Code, Section 2251(a).

PROBABLE CAUSE

5. According to Irondequoit Police Department (“IPD”) Investigators, on or about April 7, 2022, IPD followed up on a referral from Child Protective Services (“CPS”).

6. The CPS referral stated that, in 2021, RIVERA had sexual intercourse with Minor Victim 1 on multiple occasions. At the time, RIVERA was approximately 47 years old and Minor Victim 1 was 16 years old.

7. The CPS referral was initiated after MV1 disclosed the abuse to a social worker.

8. On April 8, 2022, an IPD Investigator spoke with a CPS Provider regarding the investigation. The CPS Provider stated that she had spoken with RIVERA, and he denied the allegations.

9. On April 12, 2022, Minor Victim 1 was interviewed at the Bivona Child Advocacy Center. According to the IPD Investigator, who observed Minor Victim 1’s interview through a closed-circuit television, Minor Victim 1 disclosed that between August of 2021, when she was 16 years old, and February 2022 she had repeated sexual intercourse with RIVERA.

10. Minor Victim 1 disclosed that the first time RIVERA had sex with her was on or about August 21, 2021, and it occurred in RIVERA’s camper.

11. Minor Victim 1 stated that RIVERA continued to have sex with her almost every day while she was 16 years old past her 17th birthday. At that time, RIVERA would have been 46 and 47 years old.

12. Minor Victim 1 stated RIVERA engaged in vaginal, anal, and oral sex with her while she was 16 years of age.

13. Minor Victim 1 further disclosed that, up until about 2 weeks ago, RIVERA continued to send nude pictures and videos to Minor Victim 1's phone.

14. After the conclusion of the above forensic interview, the IPD Investigator and CPS Provider met with Minor Victim 1's father. Minor Victim 1's father stated that the previous Wednesday, April 6, 2022, Minor Victim 1 disclosed the abuse to her father.

15. Minor Victim 1's father turned over her iPhone to IPD. Minor Victim 1's father indicated that he was not exactly sure what was on the phone, but that Minor Victim 1 had advised there was evidence on there.

16. After speaking with Minor Victim 1's father, the IPD Investigator met with Minor Victim 1. Minor Victim 1 was shown a photograph of RIVERA and positively identified him as the adult male who had sex with her.

17. Minor Victim 1 signed a consent to search her iPhone and provided the password and phone number for the phone. Minor Victim 1 told the IPD Investigator that there were videos on the phone that depicted her and RIVERA having sexual intercourse. Minor Victim 1 showed the IPD Investigator two of the videos:

- a. The first video dated, December 15, 2021, showed, RIVERA performing oral sex on Minor Victim 1. In the video, Minor Victim 1 is pointing the phone at RIVERA who is performing oral sex on her. The video is approximately 3 minutes and 9 seconds long.
- b. The second video, dated December 19, 2021, is approximately 40 seconds in length and RIVERA holding the camera and videotaping himself having sexual intercourse with Minor Victim 1. In the video, RIVERA has a unique abdomen tattoo that appears to be of a scorpion. Other shirtless photos of RIVERA in Minor Victim 1's iPhone depict him with the same abdomen tattoo.

18. I have personally reviewed both videos and, based on my training and experience, I believe that they constitute child pornography, as defined by Title 18, United States Code, Section 2256(8).

19. Minor Victim 1 told the IPD Investigator that there were other videos of her and RIVERA having sex "scattered" throughout her iPhone camera roll.

20. Minor Victim 1 further indicated that RIVERA would send photos of his penis to her, and she would, in turn, send nude photos of herself to him. She said they often used SnapChat and Facetime to exchange these images.

21. Minor Victim 1 stated that RIVERA also has an Apple iPhone and that his phone number was XXX-XXX-4824.

22. Based on my training and experience, I know that iPhones are not manufactured in New York State.

23. After speaking with Minor Victim 1, the IPD Investigator returned to the Irondequoit Police Department and continued reviewing Minor Victim 1's phone. The

Investigators found several additional videos of RIVERA engaging in sexual conduct with Minor Victim 1:

- a. One video, dated December 15, 2021 (when Minor Victim 1 was 16 years old), depicts a minor female who appears to be Minor Victims 1 performing oral sex on RIVERA. RIVERA is videotaping the sexual conduct.
- b. The two other videos, also dated December 15, 2021, depict an adult male who appears to be RIVERA having vaginal intercourse with Minor Victim 1.

24. I have personally reviewed these videos and, based on my training and experience, I believe that each constitutes child pornography, as defined by Title 18, United States Code, Section 2256(8).

25. The IPD Investigator also found numerous text messages between Minor Victim 1 and RIVERA on Minor Victim 1's phone. In these messages, RIVERA tells Minor Victim 1 that he loves her and discusses a previous instance during which RIVERA had sex with Minor Victim 1.

26. On April 12, 2022, Irondequoit Town Court Judge Jennifer Whitman-DeVoe issued a warrant to search RIVERA's residence at 301 Norcrest Drive Rochester, NY 14617. The search warrant authorized investigators to seize and search all electronics belonging to RIVERA, including an Apple iPhone with assigned phone number XXX-XXX-4824.

27. Prior to exercising the warrant, IPD determined that RIVERA was currently being supervised by New York State Parole (NYSP). On or around March 24, 1995, RIVERA was convicted of Murder 2nd Degree: With Intent and sentenced to a term of imprisonment of 5 years to life. On August 6, 2006, he was released on parole. His parole

was subsequently revoked on three occasions—in 2012, 2013, and 2014. He was most recently re-paroled on March 14, 2019.

28. On April 13, 2022, at approximately 10:00 AM, members of IPD and NYSP responded to 301 Norcrest Drive. NYSP took RIVERA into custody and IPD executed the search warrant on the residence.

29. During a search incident to arrest, NYS Parole Officers located RIVERA's Apple iPhone in his pocket. NYSP turned the iPhone over to IPD. The IPD Investigator used an assigned IPD CIU cell phone to call XXX-XXX-4824, the phone number Minor Victim 1 had previously indicated belonged to RIVERA. By calling the number, the IPD Investigator confirmed that the iPhone seized from RIVERA's person has the assigned phone number XXX-XXX-4824.

30. RIVERA was transported back to the Irondequoit Police Department at approximately 10:30 AM. While in the Irondequoit Police Department, the IPD Investigator asked RIVERA for his date of birth. RIVERA voluntarily lifted his shirt and showed the Investigator a tattoo of his date of birth on his abdomen. When RIVERA lifted his shirt, the Investigator observed the scorpion tattoo on his abdomen that is visible in the video described in Paragraph 17(b), above.

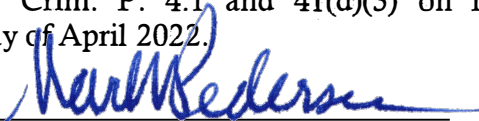
CONCLUSION

31. Based upon the forgoing, I respectfully submits that there is probable cause to believe that ISRAEL RIVERA REYES did knowingly employ, use, persuade, induce, entice, or coerce, any minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, in violation of Title 18, United States Code, Section 2251(a).



CHRISTA M. THOMAS
Special Agent
Federal Bureau of Investigation

Affidavit submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3) on 13th day of April 2022.



HON. MARK W. PEDERSEN
United States Magistrate Judge